

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ZAHRAA ZAIDAN,

Plaintiff,

v.

No. 2:12-CV-00908-RB-CG

BOARD OF REGENTS OF NEW MEXICO  
STATE UNIVERSITY, and DR. MARIA G.  
CASTILLO,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION FOR SPOILIATION SANCTIONS**

**THIS MATTER** came before the Court on *Defendants' Motion for Sanctions Based on Plaintiff's Spoliation of Evidence and Attempts to Conceal Spoliation* ("Motion for Sanctions"), filed April 1, 2014, (Doc. 92), and the arguments of counsel at the hearing on June 25, 2014. (Doc. 118).

Based on Defendants' Motion for Sanctions and the arguments of counsel, the Court finds that Plaintiff negligently spoliated evidence when she lost her phone and the text messages it contained, though Defendants have not been significantly prejudiced by the spoliation.

**IT IS THEREFORE ORDERED** that Defendants' Motion for Sanctions is **GRANTED** and Defendants are hereby awarded their attorney fees associated with briefing the Motion for Sanctions. The Court will consider additional attorney fees for letters written to Plaintiff attempting to follow up on discovery requests for the text messages.

**IT IS SO ORDERED.**



THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE

Submitted by:

MILLER STRATVERT P.A.



By \_\_\_\_\_

Lawrence R. White

Cody R. Rogers

3800 Lohman Ave., Suite H

Las Cruces, New Mexico 88011

Telephone: (575) 523-2481

Facsimile: (575) 526-2215

***Attorneys for NMSU Board of Regents and Maria G. Castillo***

Approved:

Approved 7/3/2014

Tiffany Joudi

Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C.

1221 McKinney, Ste. 3460

Houston, TX 77010

Santiago David Hernandez

Law Office of Santiago D. Hernandez

1219 E. Missouri

El Paso, TX 79902

***Attorneys for Plaintiff***